

# LEGAL SERVICES

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## MEMORANDUM

March 14, 2011

**SUBJECT:** Sectional summary of SB 98 relating to biometric information  
(Work Order No. 27-LS0661\A)

**TO:** Senator Bill Wielechowski  
Attn: Michelle Sydeman

**FROM:**  Theresa Bannister  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents

**Section 1.** Adds a new chapter, AS 18.14, relating to biometric information.

Sec. 18.14.010 prohibits retaining, analyzing, disclosing, or distributing an individual's biometric information without obtaining the individual's consent. Allows the individual to revoke or amend the consent.

Sec. 18.14.020 prohibits a person from requiring an individual to provide biometric data for identification if the individual provides certain other identification.

Sec. 18.14.030 authorizes the Department of Health and Social Services to adopt a uniform consent form for sec. 18.14.010. If a person uses an unrevoked uniform consent form for an individual's consent, exempts the person from civil liability under sec. 18.14.060 and criminal liability for retention, analysis, disclosure, or distribution of the individual's biometric information.

Sec. 18.14.040 states that a general authorization for the release of medical information does not constitute the consent required by sec. 18.14.010.

Sec. 18.14.050 provides an individual with a private right of action for violations of secs. 18.14.010 or 18.14.020. Establishes that the violator of sec. 18.14.010 is liable to the individual for actual damages and a penalty.

Sec. 18.14.060 lists the exemptions from the chapter.

Sec. 18.14.090 defines terms for the chapter.

If I may be of further assistance, please advise.

TLB:plm  
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